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**TO:** Income Maintenance Supervisors  
Income Maintenance Lead Workers  
Income Maintenance Staff  
W-2 Agencies  
Workforce Development Boards  
Job Center Leads and Managers  
Training Staff  
Child Care Coordinators

**FROM:** Amy Mendel-Clemens  
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Division of Health Care Financing

**BEM/DWS OPERATIONS MEMO**

**No:** 06-36

**DATE:** 07/31/2006

FS	<input checked="" type="checkbox"/>	MA	<input checked="" type="checkbox"/>	SC	<input type="checkbox"/>
CTS	<input type="checkbox"/>	CC	<input checked="" type="checkbox"/>	W-2	<input checked="" type="checkbox"/>
FSET	<input type="checkbox"/>	EA	<input type="checkbox"/>	CF	<input type="checkbox"/>
JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>	RAP	<input type="checkbox"/>
WIA	<input type="checkbox"/>	Other	EP	<input type="checkbox"/>	★

**PRIORITY:** HIGH

**SUBJECT:** Citizenship Documentation Requirement Follow-Up

**CROSS REFERENCE:** Deficit Reduction Act of 2005  
Operations Memo 06-32 and related attachments

**EFFECTIVE DATE:** The new policies and procedures are effective for all applications and reviews on and after August 1, 2006.

**PURPOSE**

This is the second in a series of Operations Memos related to the Citizenship and Identity Documentation Requirements project. This memo addresses the following:

- Policy clarifications,
- Introduction of "reasonable opportunity period", and
- Introduction of new CARES coding and processing guidelines.

**BACKGROUND**

Until now, persons applying for Medicaid (MA) have been required under federal law to declare under penalty of perjury whether they are a citizen of the United States, and if not a citizen, that they are an alien in a satisfactory immigration status. Aliens who declare they are in a

satisfactory immigration status have been required by federal law to present supporting documentation.

## ***POLICY***

The new provision under the federal Deficit Reduction Act of 2005 (DRA) effectively requires that the State obtain satisfactory documentation of a declaration of citizenship. Self-attestation of citizenship is no longer an acceptable practice.

### **COVERED AND EXEMPT POPULATIONS**

For new MA applicants and currently enrolled individuals, evidence of citizenship and identity must be obtained at the time of application on or after August 1, 2006, or for recipients, at the time of the first review occurring on or after August 1, 2006.

#### **Covered**

The new requirement covers all non-exempt applicants for and recipients of:

- Medicaid
- BadgerCare
- Family Planning Waiver Program

More information on how to address this requirement for programs that determine eligibility outside of CARES will be addressed in a later Operations Memo. The new requirement applies to these programs as well:

- IV-E Foster Care
- Katie Becket
- TB MA
- Wisconsin Well Woman MA
- Adoption Assistance

#### **Exempt**

The following populations are exempt from the new requirement:

- Anyone receiving or who has received Supplemental Security Income benefits
- Anyone receiving in Medicare
- Anyone applying for or receiving BadgerCare Prenatal Program benefits
- Anyone applying for or receiving Emergency MA

### **CONSEQUENCES OF NON-COMPLIANCE**

Agencies must comply with the new MA requirement to document citizenship and identity in order for the State to obtain Federal matching funds. As part of on-going DHFS quality assurance initiatives, periodic quality control reviews will be done on randomly selected cases throughout the state to monitor agency compliance. Cases will be examined to determine if proper documentation was used to verify citizenship/identity and if the proper verification code was used. The Department will work with non-compliant agencies to achieve compliance.

### SUMMARY OF WHAT HAS BEEN DONE TO DATE

In an effort to minimize the burden on existing MA/BadgerCare recipients and to ease local agency workload, the Department has used existing CARES data, MA Birth Claims data, and data exchanges to auto-update as many current participant records as possible with valid citizenship or identification verification codes. The following has been accomplished to date:

- Records for SSI MA recipients known to CARES were auto-updated as being exempt from the new requirements.
- Records for dual eligible individuals (i.e., persons eligible for both Medicare and MA) have been identified on CARES and auto-updated as being exempt from the new requirements.
- By using MA birth claim information from the past six years, the Department confirmed the U.S. citizenship of children and auto-updated their CARES records. The Department is working to access MA birth claim information from prior to calendar year 2000 to confirm the U.S. citizenship of additional MA recipients.
- Other MA recipients on CARES were found to have already provided valid documentation of U.S. citizenship. Their CARES records were also auto-updated to indicate that fact.

To date, the Department has identified a total of 527,463 MA recipients as either being exempt from or as having already met the citizenship documentation requirement. There have been 146,040 individuals identified as either exempt from or as having already met the identity documentation requirement.

In addition, Citizenship Documentation Requirements letters have been sent to approximately 20,000 participants who are to complete a review by the end of August. These letters not only notify people of the new requirement, but inform them, based on our data matches to date, what information we already have. As such, people who have already provided documentation of citizenship and/or identification should not have to do so again. It is anticipated that 20,000 of these letters will go out each month for the next 11 months until all current recipients complete their yearly review. Refer to Operations Memo [06-32](#) for a copy of the Citizenship Documentation Requirement letter.

## **GENERAL DOCUMENTATION REQUIREMENTS**

### REASONABLE OPPORTUNITY PERIOD

All applicants and recipients must be given a reasonable period of time to present documents establishing that they are a U.S citizen or national, and his/her identity. This newly designated time frame for purposes of citizenship documentation is called the “reasonable opportunity period.”

#### **Applicants**

The “reasonable opportunity period” for applicants is generally the 30 day application processing period. More time may be allowed for applicants making a good faith effort to supply the required documentation, but who are unable to do so during the reasonable opportunity period. Once an applicant does supply the documentation, certify his/her eligibility from the original filing date on the application. If the applicant requests it, the IM worker must provide assistance to secure the necessary documentation. **Under no circumstances, however, should applicants be made eligible for program benefits before the citizenship and identity documentation requirement is satisfied.**

**Recipients**

The "reasonable opportunity period" for recipients begins when they are notified of the new requirement. At or about, the same time that they are notified of their upcoming review, they will receive the newly developed Citizenship Documentation Requirements letter. This reasonable opportunity period starts with the receipt of the letter and ends at the end of the review month. As such, the reasonable opportunity period for recipients will be about forty-five days. Recipients making a good faith effort to secure the necessary documentation, but who are unable to do so during the reasonable opportunity period, may have their MA eligibility extended, even though the documentation requirement has not been satisfied. If the recipient requests it, the IM worker must provide assistance to secure the necessary documentation. **MA eligibility may continue for as long as the recipient is deemed by the IM worker to be making a good faith effort to comply.**

**Failure to Cooperate**

Deny or terminate MA eligibility for an applicant or recipient subject to the requirement who fails to cooperate in presenting documentary evidence of citizenship or identity. Failure to cooperate consists of failure by an applicant or recipient, or that person's representative, after being notified, to provide the required evidence or explain why it is not possible to provide such evidence of citizenship or identification during the reasonable opportunity period.

**Good Faith Effort**

More time may be allowed for applicants and recipients making a good faith effort to supply the required documentation, but who are unable to do so during the reasonable opportunity period. By "good faith effort" we mean the individual is taking steps to obtain the necessary documentation and has notified his/her worker of such efforts or has requested assistance from the worker to obtain the necessary documentation. More information on good faith effort will be presented in an upcoming Operations Memo.

**DOCUMENTATION USED**

Any document used to establish U.S. citizenship must show either a birthplace in the U.S., or that the person is otherwise a U.S. citizen. In addition, any document used to establish identity must show identifying information that relates to the person named on the document.

**Hierarchy of documentation**

Federal regulations divide the list of valid documents used to verify citizenship into four levels. Applicants and recipients must provide documentation from the highest level available that can be obtained during the reasonable opportunity period. Refer to the updated Citizenship Documentation Requirement list attached to this memo for more information on valid documents.

**Level 1 – Evidence of Citizenship and Identity**

Primary evidence documents both citizenship and identity. Primary evidence of citizenship and identity is the most reliable way to establish that the person is a U.S. citizen. If an individual presents documents from level 1, no other information is required; however, we anticipate that relatively few MA applicants and recipients will be able to provide documents from this group.

Level 2 – Evidence of Citizenship

Secondary evidence of citizenship is the next most reliable way to establish the person is a US citizen. We expect that many MA applicants and recipients will be able to present documents from level 2 during the reasonable opportunity period and should be encouraged to do so. Note, however, that a document from this group is evidence of U.S. citizenship only and must be accompanied by evidence of identity.

**NOTE ➤** Completing an on-line birth query (level 2 documentation) can be done for all persons born in Wisconsin. Enter tran code MNOS on CARES mainframe screen, hit enter, then F2.

Level 3 – Evidence of Citizenship

Third level evidence of U.S. citizenship is acceptable and may be presented by applicants and recipients who are unable to obtain primary or secondary evidence during the reasonable opportunity period. As with secondary evidence, a document from this group is evidence of U.S. citizenship only and must be accompanied by evidence of identity.

Level 4 – Evidence of Citizenship

Fourth level evidence of U.S. citizenship is acceptable evidence of the lowest reliability. While most MA applicants and recipients will be able to present documents at this level, they should do so only if unable to obtain evidence of citizenship from the other groups during the reasonable opportunity period. As with second and third level evidence, a document from this group is evidence of U.S. citizenship only and must be accompanied by evidence of identity.

Level 5 – Evidence of Identity

Level 5 documentation can only be used to verify identity. Documentation of citizenship from levels two through four must be accompanied by evidence of the applicant's or recipient's identity.

**Original documents and photocopies**

Applicants and recipients are encouraged not to submit original documents through the mail. If an original document is submitted, it must be copied for the case record and returned to the applicant or recipient. A photocopy of acceptable documentation is allowed.

**One-time activity**

Once the citizenship and identity requirement is met, it need not be applied again, even if the person loses MA at some point and later re-applies. A person should ordinarily be required to submit evidence of citizenship and identification only once, unless other information is received causing the evidence to be questionable.

**NOTE ➤** Do not re-verify identity for a minor who has had his/her identity verified through the signing of a Statement of Identity for Children Under 16 Years of Age, HCF10154.

**Proper documentation in case record**

Documentation submitted by the applicant or recipient to satisfy the new requirement must be maintained in the case record. If the documentation requirement is met through an automated data match, an electronic record of the data match will be maintained by the State in CARES.

## **SPECIAL CASE PROCESSING**

### **Continuously Eligible Newborns (CENs)**

Under Federal law, categorically needy MA must be provided to a child born to a woman who is eligible as categorically needy and is receiving MA on the date of the child's birth. The child is deemed to have applied and been found eligible for MA on the date of birth and remains eligible as categorically needy for one year. Obtain citizenship and identity documentation for the child at the next review of eligibility following the child's birth, unless the requirement has already been met by the Department via an automated data matching process.

### **Person Add**

Adding a person to an ongoing MA case and requesting MA for that new person is considered a new application for that person. The person added to the case is subject to the new verification requirement at the time of application. Inform the applicant of the documentation requirement and give him/her the "reasonable opportunity period" (as outlined above) to comply. **Do not grant eligibility for the individual until he/she has submitted valid documentation.** If documentation is not received timely, deny MA for that individual only. Do not require other non-exempt household members to submit citizenship or identification documentation until their next review.

### **Presumptive Eligibility**

Qualified providers who conduct MA presumptive eligibility determinations must not apply the new citizenship and identification documentation requirement to persons seeking presumptive eligibility. Persons determined presumptively eligible for MA are not subject to the documentation requirement until they file a formal application with the local Income Maintenance agency.

## **CARES CHANGES**

CWW coding changes will be implemented in phases throughout August and the near future.

### AUGUST 1, 2006 CHANGES

On August 1, CARES will be reprogrammed to allow MA program requests to "pend" cases in intake and review mode while awaiting the receipt of acceptable citizenship or identity verification.

**NOTE ➤** Adding a new person or a new MA program request to a case in ongoing mode will not use the new pend logic at this time. Currently entering <Q?> will pend all programs for citizenship but not identity. For these cases, use the following temporary procedure until after the August 12, 2006 CARES changes are implemented:

1. For an individual already known to CARES, a code may already exist in the citizenship or identification field; only change the code if presented with other documentation. For an individual not known to CARES, enter the appropriate verification code if they have provided verification appropriate for another program. If no verification is provided, enter <Q?> in the citizenship and/or identity fields.
2. Run SFEX/SFED **but do not confirm MA eligibility.**
3. Complete CARES mainframe screen ACEC with an alert to your self, noting that citizenship and/or identity verification requirement is pending.
4. Complete a manual request for verification of citizenship and/or identity.

5. Mail the manual request to the customer.

For cases in intake or review mode, MA eligibility will pend for <Proof of Citizenship> if a code other than those listed as valid in the attached "Citizenship Documentation Requirement and Valid CARES codes list" is entered into the existing US Citizenship Verification field on the CWW Permanent Demographics page.

For cases in intake or review mode, MA eligibility will pend for <Proof of Identification> if a code other than those listed as valid in the attached "Citizenship Documentation Requirement and Valid CARES codes list" is entered into the existing Identification Verification field on the CWW Current Demographics page.

These changes will not effect how non-MA program eligibility is determined in CARES.

**Example:** Mary Worker takes a new application on August 1 for a pregnant woman requesting both MA and FoodShare. Mary enters a code of 'DE – Data Exchange' for Citizenship verification and a code of 'EI - Employee ID' for Identification verification for the Primary Person. FoodShare will pass, while MA will pend for both US Citizenship verification and Identification verification since CARES recognizes the codes used as valid for FoodShare but not valid for MA. CARES will pend MA until the proper documentation is supplied.

**Note:** Since the customer has provided valid verification for FoodShare, you should not use a Q? or a QV to deny MA.

When pending MA eligibility for US citizenship or identity verification, the existing CARES pend and verification functionality will be used. This includes CARES issuing the existing verification request letter including the request for 'Proof of citizenship' and/or 'Proof of identity'. In addition, the existing verification time periods apply.

**NOTE ➤** Do not change a valid code for another program to <QV or Q?> to fail MA for the new verification policy. The use of these codes will incorrectly fail the other programs of assistance.

AUGUST 12, 2006 CHANGES

The next phase of CARES system changes is targeted for implementation August 12, 2006.

This new functionality will allow for the failure of MA when an invalid code is entered for US Citizenship verification or Identification verification, the verification time period has elapsed, and no good faith effort is being made to obtain the necessary verification.

Two new fields will be added and used exclusively by the MA program and provide the ability to separately pend or fail MA eligibility. The following two new fields will be added to CWW:

- US Citizenship MA Verification field will be added to the CWW Permanent Demographics page
- Identification MA Verification field will be added to the CWW Current Demographics page

**Good Faith Code**

In addition, the August 12<sup>th</sup> changes will also include the ability to use a 'Good Faith' code. More details on this next phase of system changes and the Good Faith code will follow in the next Operations Memo.

**LANGUAGE UPDATES**

Language relating to the verification of citizenship and identity for U.S citizens will be added to MA forms and publications in the near future. This includes adding language regarding this new requirement to all components of ACCESS.

**ATTACHMENTS**

- Updated Documentation and Valid CARES Codes list – Includes new codes and an expanded description or explanation for a number of documentation types.
- Citizenship and Identity Documentation Fact Sheet – [PHC10157](#)

**CONTACTS**

BEM CARES Information & Problem Resolution Center

★Program Categories – FS – FoodShare, MA – MA, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – Food Stamp Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DHFS/DHCF/BEM/JE